E & P H (1940) Department.

MS SERIES.

G.O. No. 2971 P.H. 19

Dated 5/7/40

[Despatch Abstract.]

Building Rules - Mangalore Municipality - Exemption for certain cases - Orders passed.

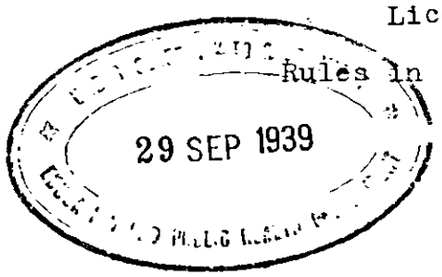
Education & Public Health DEPARTMENT.

40451

Received ..... 19 . *Registered* 19

Subject.

Licenses - Building - Relaxation of Buildi.. Rules in five instances - Sanction - Requested.



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Ext. H. Dept.

May lie over pending orders on the report of the Building Rules Committee.

H.D. 5/10/39.

8/10/39.

Enclosures
No. One.
Spare copies

Ref. C. No. 12871/H3-39

Station MANGALORE. , *Dated the* 19th September, 19 39

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,

(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,

Through Education & Public Health Department. Fort St. George, MADRAS.

Sir, The Chairman, Municipal Council, Mangalore.

I am to bring the following old cases where the Municipal Council has recommended the relaxation of building rules and request Government may be pleased to permit the same in the light of the reasons given below and to permit building license being issued on the party executing bond ø in the usual form enclosed.

(1) One Sri Vasudeva applied for a license to construct a motor shed in T.S.No.141-16 of 20th ward and began.

and began constructing the shed before the license was granted. The Municipal Health Officer however reported that the area is a congested one devoid of proper layout and license could not be recommended. The applicant was prosecuted for construction of the shed without license and he was fined Rs.5/-. On appeal the Council was of opinion that though the locality was congested a motor shed was a necessary adjunct to a residential house where the occupant had a car and therefore resolved that license could be granted without calling for a layout as the building under reference was a motor shed.

(2) The second case is that of a reconstruction of a storied building in T.S.No.34-1 to 5 of 12th ward by Mrs.Shantha Bai. In this case license was granted but one of the conditions of the building was that the distance of the building and every part thereof from the street alignment shall not be less than 4 ft. On issuing a notice to the party the applicant represented that she only strengthened the building on the existing foundation which was not touched by doing necessary repairs and therefore she could not comply with this condition, and if at all she had erred, she may kindly be excused. The Municipal Council in view of the representation of the party and considering the fact that the foundation was not touched and the building was in a line with the other buildings and the party a lady, resolved that 4 ft. rule may be waived in this case and license granted.

(3) In the next case one B. Jarappa was granted a license for the construction of three buildings on the roadside in T.S.No.1548/6 of 4th ward. It was however reported that the applicant had violated rule 8 of the building rules and constructed an upstairs without license. The site was in the Town Planni Area and hence the party should have allowed clear 5 ft. space

from the

from the road edge but did not do so. On being called upon to bring the work in conformity with the license granted, the applicant preferred an appeal to the Council wherein he represented that his omission in not showing the upstairs in the plan was an error on the part of the technical man through whom he got the plan prepared. The main defect was the not leaving of 5 ft. space, but as the Council feels that the building as constructed is not objectionable, it has resolved to waive the 5 ft. rule because the scheme is not yet sanctioned by Government. The usual bond agreeing to leave 5 ft. space from when called upon is to be taken.

(4) The fourth case is that of the violation of the license condition, i.e. the leaving of 4 ft. space from the street alignment and construction of an additional room not shown in the plan. The premises referred to above is T.S.No.75-A of 2nd Kodialboil Ward. On a report from the Sanitary Inspector, the licensee, Mr. Antony Alvares was asked by a notice to bring the work in conformity with the license granted and to demolish the unauthorised construction. In his appeal to the Council the licensee represented that the verandah built is essential to the shop building. He also stated that the verandah may be permitted to be retained on his executing a registered bond in favour of the Council binding himself to demolish the same at his cost whenever required by the Council. What is constructed in the 4 ft. space is only a verandah and a roof supported on four pillars. The Municipal Council has decided in this case that license may be granted subject to the approval of Government and on condition of the petitioner's executing registered bond referred

✓ bond referred to in other cases.

(5) The last case is that of one Piad D'Souza - reconstruction of outhouse to form a shop building in T.S. No.1010 of 5th ward in the Town Planning Scheme Area. The site on which the building stands was one proposed to be acquired for widening the Matadakani Road. For proceeding with the work without previously obtaining license, the - party was prosecuted and he was fined Rs.5/-. In this case the license was refused and the party appealed to the Council. The applicant in this case has given in writing that he is willing to execute a registered bond in favour of the Municipality agreeing to remove the portion of the outhouse which was used by him as a shop building at his own cost whenever directed by the Council. In this case also the Council decided to grant a license subject to the approval of Government and on condition of petitioner's executing a registered bond.

, I therefore request that in view of the Council's resolution as stated above, Government may be pleased to relax the building rule in the above five cases and permit the Council to grant the license after obtaining the registered bonds from applicants. I request early orders.

Commissioner, M.M.

Forwarded -

The Council is trying to enforce the building rules rigidly; but in some cases too strict will be to cause trouble without corresponding benefit. It is only in such cases relaxation is recommended

Chairman, M.C.

B. Venkatarao Baliga
Chairman M.C.

CMS/25.9

AGREEMENT executed by

hereinafter called the Covenantor in favour of the Municipal Council, Mangalore, represented by Commissioner,

residing in Mangalore Town, hereinafter called the Covenantee.

WHEREAS the Covenantee has undertaken to issue to the Covenantor a license to construct a building as per sketch enclosed and fully described in the Schedule below in consideration of the Covenantor executing an agreement that he shall pull down the structures constructed on the above said plot at his own expense without claiming any compensation for the above structures constructed on the said plot in pursuance of the said license and whereas the Covenantor has agreed to the above conditions.

Now this Indenture witnesseth that the Covenantor shall not, if the Municipality shall in future require the said plot or any portion thereof for the extension of the Town Planning Roads, etc., claim any compensation ∅ for the buildings or structures which he will construct on the said plot in purpurance of the said license and the Municipality shall be entitled to acquire the same free of charge.

Description of property

T.S.No.	R.S.No.	Kisan	Extent	Remarks.

Building situated in

Mangalore Town, Mangalore sub-district.

C.F. 70.

Local Administration DEPARTMENT.

Received 18 DEC 1939 19 . *Registered* 32267 19

Subject.

Licenses - Building - Relaxation of Building Rules in five instances - Sanction - Requesting of.

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pp 1-5 ante

Reference:- This office C.No.12871/H3-39 dated 19th September, 1939.

Enclosures.
No.
Spare copies.

Ref. C. No. 12871/H3-39

Station Mangalore. , *Dated the* 9th December, 1939

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,

(Designation) Commissioner, Municipal Council,

Mangalore.

To The Secretary to the Government of Madras,

Education & Public Health Department.

Through Fort St. George, Madras.

The Chairman,
Municipal Council,
Mangalore.

Sir,

I request that Government may kindly be pleased

pps 1-5 ante

to pass early orders on this office reference C.No.12871/H3-39 dated 19th September, 1939.

12-12-39

Commissioner, M. M.

Forwarded.

B. Venkataraya Baliga

Chairman, M.C.

CMS/11.12

Extract from the letter of the Ex-officio Director of Town Planning, Madras to the Secretary to Govt., E & P.H. Dept, D.T.P.No. 452/40, dated 15/16th February. 1940.

Buildings - Mangalore Municipality - Rules - Exemption.

(1) Construction of a motor shed by Sri. Vasudeva in T.S.No. 141/16 of 20th ward. There is no case of violation of building rules or scheme regulations. The Council may permit the construction if it is satisfied that section 203 of the Madras District Municipalities Act is not contravened.

(ii) Reconstruction and extension of a storeyed building by Mrs. Shanta Bai in T.S. No. 34 of 12th ward:- The Government may exempt the reconstruction of the storeyed building from the operation of rule 8 of the building rules, as a special case.

(iii) Construction of th ee buildings by Sri. B. Jarappa in T.S.No. 1548/6 of 4th ward:- The site is in town planning area. The meare fact that the scheme is not sanctioned by the Government cannot be an argument for the Council to permit deviation from the town planning conditions. The Municipal Council has necessary powers under section 17 of the Town Planning Act to refuse or sanction an application subject to any conditions in accordance with the requirements of the schemes, and it will be highly prejudicial to the development of the area on proper town planning lines, if the council fails to impose the scheme conditions while sanctioning any application. In future the council should see that not only the building rules but also the scheme conditions are satisfied by every building constructed or reconstructed in town planning areas.

In as much as the construction contravenes rule 8 of the building rules - apart from the town planning scheme-- and the work has already been completed, the Govt. may grant exemption from rule 8 as a special case.

(iv) Construction of verandah in front of the shops in the 4 feet space and an additional room in the rear, not shown in the plan by Mr. Antony Alvares in T.S.No. 75 A of 2nd Kodialbail ward:-

Under the circumstances reported by the Commissioner, the Council's action may be approved by Govt. condoning the violation of rule 8.

(v) Construction By Mr. Plad D'Souza in T.S.No.1010 of 5th ward of shops on the alignment of town planning scheme roads:- It would be always better for the Council not to permit at all any construction in land covered by projected streets or street widenings. In the present case, the Government may approve the action of the Council permitting the construction within the projected road widening subject to the party removing it at his own cost when called upon to do so:

43
29/15 11

E & P. H. Dept.

C. No. 40451. From the comr. Mangalore municipality.
Ref C. No. 12871/H3-39 dt 19.9.39.
Subject - Buildings - Rules.
Mangalore municipality - certain cases - Exemption.

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Memo. no. 40451/39-1-F.P.H. dt 29.5.40.

The comr. Mangalore municipality ~~should have~~ may not submitted with his letter read above a copy of the resolution of the mc. on the subject ~~to govt. recommending the~~ cases referred to in the ~~letter for exemption from the operation of Building Rules~~. He is requested to do so now.

To
The comr. Mangalore
municipality through the
ho. M.C. Mangalore (240)

29/5
24.5.40.
27/5

SRM
28/5/40

DEPARTMENT.

Received ..... 19 . *Registered* 19

25063

Subject.

Buildings - Rules - Exemption of.

Reference:- Government Memo No.40457/39-1F-P.H., dated the 29th May 1940.

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Enclosures.
No. 5
Spare copies

Ref: C4/No. 12871/39.

Station Mangalore, *Dated the* 12th June 19 40.

From (Name) Sri M.Narayana Shenoy, B.A., B.L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Fort St.George, MADRAS.

Through
The Chairman,
Municipal Council,
Mangalore.

Sir,

Extracts of Council resolutions called for in your above Memo are enclosed.

Commissioner, M.M.

Forwarded:

B.Venkataraos Balga
Chairman, M.C.

Dated:

DESPATCHED
17. JUN 1940

HDU/14/6-40. 15/6/40

No. 15

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 7th November *19*38.

Resolution No. 24.

Read: Appeal petition of Mr. A.Vasudeva dated the 24th June 1938 against the order of the Commissioner requiring him to demolish the unlicensed shed extension in T.S.No.141-16 of 20th Ward, the report of the Municipal Health Officer thereon, the Commissioner's note and the file of connected papers.

The extension will be allowed to stand subject to the approval of the Government and on condition of petitioner's executing registered bond similar to the bonds hitherto taken

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,
Dated the 12th June 1940.

Commissioner, M.M.

Compd: 15/6/40

HDU/14/6/40.

No. 17

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 5th December *19* 38.

Resolution No. 25.

Read: Appeal petition of Mr.Antony Alvares against the Commissioner's order requiring to demolish the verandah of the building T.S.No. 75/A of 2nd ward constructed on the 4 feet space from the road margin and to permit him to retain the same for reasons stated in the appeal, the Commissioner's note with the file of connected papers.

License will be granted subject to the approval of the Government and on condition of petitioner's executing a registered bond similar to the bonds hitherto taken.

x x x

Sd/ L.C.Pais,
Vice-Chairman, M.C.

/True Extract/

Municipal Office, Mangalore,
Dated the 12th June 1940.

Commissioner, M.M.

HDU/12/6

Compd: 15/6/40

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No. 19

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 9th January *19* 39.

Resolution No. 38

Read: Appeal petition from Mr.B.Jarappa against the orders of the Commissioner, directing his prosecution for alleged infringement of licence conditions and the Commissioner's note thereon.

License will be granted subject to the approval of the Government and on condition of petitioner's executing a registered bond similar to the bonds hitherto taken. The additional license fee will be recovered from the party.

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,
Dated the 12th June 1940.

Commissioner,M.M.

Compd: 15/6/40

H.D.U.14/6-40.

No. 21

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 9th January *19* 39.

Resolution No. 33

Read: Appeal petition dated the 12th February 1938 from Piad D'Souza against the order of the Commissioner, refusing to grant him a license for the reconstruction of an out house to form a shop building in T.S.No.1010 of 5th ward, Commissioner's note and the file of connected papers.

License will be granted subject to the approval of the Government and on condition of petitioner's executing a registered bond similar t the bonds hitherto taken.

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore, I
Dated the 12th June 1940. I

Commissioner, M.M.

HDU/14/6/40.

Compd: 15/6/40

No. .....

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 9th January *19* 39.

Resolution No......34.....

Read: Appeal petition of Mrs. Shantha Bai, guardian of minor Kamalaksha against the order of the Commissioner in regard to the reconstruction and extension of a storied building in T.S.No.34--1 to 5 of 12th ward and the Commissioner's note thereon.

License will be granted subject to the approval of the Government and on condition of petitioner's executing a registered bond similar to the bonds hitherto taken.

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,
Dated the 12th June 1940.

Commissioner, M.M.

HDU/14/6--40.

Compd: 15/6/40

C.F. 16.

DRAFT FOR APPROVAL.

E & P. H. Dept.

	Date	Initials.
When received for fair copying ..	29/5/40	
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Building Rules - Mangalore municipality - Exemption for certain cases - orders passed

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

C. No. 40451 From the Comr. Mangalore municipality No. 12871/H3/39 dated 19-9-1939

" _____ " D.T.P " 452/40 " 16-2-1940

" 25063 " Comr. Mangalore municipality " 12871/39 " 12-6-1940.

Order / Resolution Ms. / Rout. No. 2971, dated 5/7/40 19____

Urgent

40451

pages 1-5 cf

pages 1, 2 & 9 cf

The following orders are passed on the three cases referred to in the letter of the Commissioner of the Mangalore municipality No 12871/H3-39 dated 19-9-39.

(1) Construction of a motor shed by Sri Vasudeva in T.S. no. 141/16 of 20th ward :-

The Council may permit the construction if it is satisfied that section 203 of the M.D.M. Act, 1920 is not contravened.

(2) Re-construction & extension of a storeyed building by

Srimathi Shanta Bai in
T.S. no. 34 of 12th ward :-
The reconstruction of the
storeyed building is exempted
as a special case from
the operation of rule 8 of
the Building Rules.

(3) Construction of three
buildings by Sri B. Jagappa
in T.S. no. 154 8/6 of 4th ward :-
The site is in Town
Planning Area. The mere fact
that the scheme is not
sanctioned by govt cannot
be a reason for the council
to permit deviation from
the town planning conditions.
It has necessary powers
under Section 17 of the
Town planning Act to
refuse or sanction an
application subject to any
conditions in accordance
with the requirements of the
Schemes, and it will be
highly prejudicial to the
development of the area
on proper town planning
lines, if the council fails

pp-249 cb

pages 2, 3 & 9 cb;

to impose the scheme conditions while sanctioning any application. In future the council should see that not only the building rules but also the scheme conditions are satisfied by every building constructed or reconstructed in ~~the~~ town planning areas.
In the present case exemption is, however, granted as a special case from the operation of rule 8 of the Building Rules.

4) Construction of verandah in front of the shops in the 4 ft. space and an additional room in the rear, not shown in the plan by Mr. Antony Alvares in T.S. no. 75 A of 2nd Kodialbail ward :-

Exemption is granted, as a special case, from the operation of rule 8 of the Building Rules.

5) Construction by Mr. Piad

D' Souza in T. S. no. 1010 of 5th ward of shops on the alignment of Town planning Scheme roads :—

It would (be) always better for the council not to permit at all any construction on land covered by projected streets or street widenings. In the present case, the govt. ~~approve~~ ~~permit~~ the action of the council in permitting the construction within the projected road widening subject to the condition that the party should remove it at his own cost if and when called upon to do so.

pages 4 & 10 of.

by
12.6.40.

JRY
2.7.40

RVK
4.7.

To
The Comm. of the Mangalore municipality through the D. T. C. Mangalore (with rel. files retd.)
The D. T. P.

All the above orders are not